

COMMISSION MEETING MINUTES
January 5, 2016

The Board of Davis County Commissioners met on January 5, 2016 at 10 am in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah. Members present were: Commissioner John Petroff, Jr. - Chair, Commissioner Jim Smith, Commissioner P. Bret Millburn, Clerk/Auditor Curtis Koch, Chief Deputy Civil County Attorney Neal Geddes, and Deputy Clerk/Auditor Janet Hanson.

Agenda as
posted

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PUBLIC NOTICE is hereby given that the Board of Davis County Commissioners, Farmington, Utah, will hold a Commission Meeting at the Davis County Administration Building, 61 South Main Street, Room 303, Farmington, Utah, commencing at **10:00 a.m. on January 5, 2016.**

OPENING

Pledge of Allegiance – By Invitation

RECOGNITIONS, PRESENTATIONS AND INFORMATIONAL ITEMS

- Meals on Wheels’ volunteer recognition – Barbara Jeppsen and Don Jensen
- Martin Luther King, Jr. National Day of Service – Operation Gratitude
- Certificate of Achievement for Excellence in Financial Reporting - Fiscal Year Ended Dec. 31, 2014

BUSINESS/ACTION

Dale Peterson, Davis County Assessor, presenting:

Agreement with Thimgan, Inc. – valuation consulting services (payable)

Dave Hansen, Davis County Legacy Events Center Director, presenting:

Application to Farmington City Corp. – general business license (payable)

Brooks Burr, Davis County Fair Coordinator, presenting:

Agreement with Hometown Values Magazine – advertise the 2016 Davis County Fair (payable)

Neka Roundy, Davis County Economic Development Specialist, presenting:

Acceptance of donation from Commissioners’ Cup Grant - to the 2016 Great Salt Lake Bird Festival (receivable)
Agreement for donation from Utah Wetlands Foundation – to the 2016 Great Salt Lake Bird Festival (receivable)

Barry Burton, Davis County Planning Director, presenting:

Change order with Ascent Construction – various lighting additions and changes, Kaysville Branch Library (payable)

Adam Wright, Davis County Public Works Director, presenting:

Agreement and Notice to Proceed with ACME Construction – installation of box culverts at 650 W Clark Lane, Farmington (payable)

Chief Deputy Kevin Fielding, Davis County Sheriff’s Office, presenting:

Agreement with Direct TV – purchase of an HD receiver w 2-year contract for services (payable)
Agreement with Vividus Coatings – flooring services in Echo and Fox blocks of the jail (payable)

Brian Hatch, Davis County Health Department Interim Director, presenting:

Amendment with Utah Dept. of Health – tuberculosis prevention, control support and activities (receivable)
Agreement with Utah Dept. of Health – arthritis contract funding (receivable)
Agreement with Utah Transit Authority – Federal grant to purchase 2 vehicles and fund associated project operating costs (receivable)

Todd Utzinger, Davis County Legal Defender Coordinator, presenting:

Agreement with William Albright - indigent legal defender services (payable)
Agreement with Clyde M. Arrington aka C. Markley Arrington – indigent legal defender services (payable)
Agreement with Gary Barr – indigent legal defender services (payable)
Agreement with Ryan Bushell – indigent legal defender services (payable)
Agreement with Michael Edwards – indigent legal defender services (payable)
Agreement with Ron Fujino – indigent legal defender services (payable)
Agreement with Rich Gallegos – indigent legal defender services (payable)
Agreement with Julie George – indigent legal defender services (payable)
Agreement with Erin Hill – indigent legal defender services (payable)
Agreement with Matt Nebeker – indigent legal defender services (payable)
Agreement with Don Redd – indigent legal defender services (payable)
Agreement with Todd Sessions – indigent legal defender services (payable)
Agreement with Scott L. Wiggins – indigent legal defender services (payable)

BOARD OF EQUALIZATION

Request approval of the Property Tax Register
Stipulation of Settlement with Comcast for Tax Year 2013

CONSENT ITEMS

Meeting Minutes
Check Registers

COMMISSIONER COMMENTS

PUBLIC COMMENTS (3 Minutes per Person)

Don Jensen, Meals on Wheels volunteer, led the Pledge of Allegiance. All in attendance were invited to stand and join in.

Meals on
Wheels’
volunteer
recognition –
Barbara
Jeppsen &
Don Jensen

Kristy Cottrell, Davis County Division Director for Family Health & Senior Services, introduced and recognized Meals on Wheels volunteers Barbara Jeppsen and Don Jensen. They have been credited for saving the life of one of their meal recipients in the Bountiful area. Don explained what their procedures were for meal deliveries. Barbara told the story of how they came upon a woman who was unresponsive and unconscious. They contacted 911 and remained on-site until emergency personnel arrived to assist her.

On behalf of the Commissioners, Commissioner Petroff presented Barbara and Don with a Davis County coin for their service and for having gone above and beyond serving others. The audience gave applause and pictures of the Commissioners with the volunteers were taken.

Martin Luther
King, Jr.
National Day
of Service –
Operation
Gratitude

Kristy Cottrell presented the “Martin Luther King, Jr. National Day of Service – Operation Gratitude” project being sponsored by the Davis County Senior Service and Retired Senior Volunteer Program (RSVP). She explained the project to encourage members of our community to write letters of appreciation to our military service members. The letters are being gathered to be sent out on the Martin Luther King, Jr. National Day of Service. She indicated there were handouts available that provided sample wording for letter writing.

Viki Bowman, Davis County Senior Services, said there are 12 schools in the Davis School District participating, as well as Layton City, Meals on Wheels recipients and RSVP volunteers who have already provided over 200 letters. There are news media and social media advertising the project. There is a goal to beat Washington County’s 2014 record of 4,689 letters. With Davis County being home to Hill Air Force Base and being so patriotic, they asked for everyone’s participation in the letter writing campaign to show support to our troops. She encouraged the Commissioners to have employees participate.

Commissioner Petroff gave his appreciation for their efforts on the project saying, “It’s great for them (servicemen) to know we are here thinking about them.” He commended them for their outstanding efforts on this program. Commissioner Smith said, “The other side of that coin is everyone that is deployed leaves a family behind here as well. Through programs at Hill Air Force Base, we reach out to them.”

Certificate of
Achievement
for Excellence
in Financial
Reporting – FY
ended 12/31/14

The Davis County Clerk/Auditor’s Office was recognized for being awarded the “Certificate of Achievement for Excellence in Financial Reporting” for their 2014 CAFR (Comprehensive Annual Financial Report) by the Government Finance Officers Association for the 22nd year in a row. Curtis Koch, Davis County Clerk/Auditor, indicated the CAFR is peer reviewed by unbiased individuals with expertise. He introduced Doug Stone, Davis County Lead Reporting Auditor, who heads-up the effort. Doug indicated there are only 3 counties in the State of Utah that receive this award for their CAFR, Davis, Salt Lake and Weber. He said that all the disclosures within the CAFR are made for Davis County to be fully transparent and all the information is available to the public. He said the peer reviewers only had two comments. When he first came on board there were about 10 comments each year. None of them were substantial enough to prevent Davis County from receiving the award. It has been gratifying to him to see those numbers of comments decrease and it appears to him that they had to dig deep to comment on anything at all.

Curtis recognized the financial staff in the audience who contributes to the compilation of the CAFR: Kimberley LeMay (Sedgewick), Heidi Voordeckers, LynnAnn Winterton, Amanda Mount, Tawnya Corbridge, Kevin Rasband, Tony Zambrana, Dax Tuescher (Purchasing)(absent). He thanked them for all of their hard work, saying that they are the ones who do all of the hard work.

From his experience, Commissioner Petroff said, “Everyone is doing a great job. It is easy to overlook all the hard work that goes on, but with many department heads in the audience, they all know that

anything that happens is going to go through that department (Audit). Someone in that office is going to touch every financial function that goes on in the county. It is great to know that we have such a good staff and leadership with Curtis.” Commissioner Smith, who confessed to enjoying debits and credits, said he is totally impressed by the crew in the Clerk/Auditor’s Office and that the complexity of government accounting is far beyond what he anticipated after a lifetime of studying financial statements (former banker). He actually read the CAFR cover-to-cover saying it was a work of art. It is not to be taken lightly. This award is a tremendous success. He gave his compliments for a job well done. Commissioner Millburn echoed the previous comments and gave his congratulations and thanked them for the work they do.

Agreement
#2016-1
Thimgan, Inc.

Dale Peterson, Davis County Assessor, presented agreement #2016-1 with Thimgan, Inc. for expanded valuation consulting services. Period of contract is January 1 – December 31, 2016. Payable amount is \$75,000.00.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

LEC Business
license
application
#2016-2 to
Farmington
City

Dave Hansen, Davis County Legacy Events Center Director, presented application #2016-2 for a general business license to Farmington City Corp. Period of license is 2016. Payable amount is \$75.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2016-3
Hometown
Values to
advertise 2016
Fair

Brooks Burr, Davis County Fair Coordinator, presented agreement #2016-3 with Hometown Values Magazine to advertise the 2016 Davis County Fair. Period of contract is July through August 2016. Payable amount is \$5,796.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Accept
donation
#2016-4 from
Commissioners
' Cup Grant to
GSLBF

Neka Roundy, Davis County Economic Development Specialist, presented the following:
Acceptance of donation #2016-4 of a \$1,100.00 donation from the Davis County Commissioners’ Cup Grant to the 2016 Great Salt Lake Bird Festival.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2016-5 UT
Wetlands
Foundation to
sponsor
GSLBF

Agreement #2016-5 with Utah Wetlands Foundation for a sponsorship donation of the 2016 Great Salt Lake Bird Festival. Period of contract is 2016. Receivable amount is \$2,000.00.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Change order
#2014-199G
Ascent
Construction –
Kaysville
Library

Barry Burton Davis County Planning Director, presented change order #2014-199G with Ascent Construction for various lighting additions and changes needed for the operation of the Kaysville Branch Library. Period of contract has been finalized. Payable amount is \$12,839.83.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Notice to
Proceed &
agreement
#2015-591
ACME
Construction
culvert @ 650
W Clark Ln
Farmington

Adam Wright, Davis County Public Works Director, presented Notice to Proceed and agreement #2015-591 with ACME Construction of the installation of box culverts at 650 West Clark Lane in Farmington. Period of contract “time is of the essence.” Payable amount is \$356,905.00.

Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2016-6 Direct

Davis County Sheriff Todd Richardson, presented the following:

TV for HD
receiver &
service contract

Agreement #2016-6 with Direct TV to purchase a HD receiver at the discounted price with a 2-year service contract to be utilized in the jail. The Sheriff indicated it is mandated that there be outside communication (news and weather) available to inmates. TV is also used as a reward system. Period of contract is 2-years. Payable amount for the HD receiver is \$99.99. Service contract is approximately \$2,800.00 per year.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2016-7
Vividus
Coating for jail
flooring
rejuvenation

Agreement #2016-7 with Vividus Coatings for renovation flooring services in the Echo and Fox blocks of the jail. After the flooring tile is removed they will grind the floor that has residual glue and apply a densifier and Vitera Loc system (sealant). This type of flooring requires less maintenance. Period of contract is until complete. Payable amount is \$39,826.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Amendment
#2015-34A UT
Dept of Health
TB prevention

Brian Hatch, Davis County Health Department Interim Director, presented the following:
Amendment #2015-34A with the Utah Department of Health to provide support to conduct activities related to tuberculosis prevention and control. Period of contract is January 2, 2016 through December 31, 2019. Receivable amount is \$8,133.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2016-8 UT
Dept of Health
Arthritis
funding

Agreement #2016-8 with Utah Department of Health for arthritis contract funding for evidence based programs. Period of contract is December 1, 2015 through June 30, 2017. Receivable amount is \$6,500.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement
#2016-9
UTA to
purchase 2-
ADA vehicles

Agreement #2016-9 with the Utah Transit Authority (UTA) for Section 5310 grant issuing federal funds to purchase two ADA vehicles meeting FTA guidelines and to fund associated project operating costs. These would be smaller handicapped vehicles for senior transportation and will be added to the fleet. Period of contract is from date of signage until project is completed in compliance with Federal regulations and scope of work in Exhibit A. Receivable amount is \$101,078.00 (Federal \$65,539.00). Local match required \$35,539.00.

Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Indigent Legal
Defender
information

Todd Utzinger, Davis County Legal Defender Coordinator, explained the following 13 indigent legal defenders represent indigent clients in district court, justice court and juvenile court. Juvenile court deals with both delinquency matters and parental rights/child protection cases. He is pleased and feels that Davis County has one of the best programs in the state. According to two reports that he previously provided to the Commissioners, one from the Utah Supreme Court Task Force, of which he has been a member since 2011, and one from the 6th Amendment Center, a group contracted to do an analysis of indigent defense systems around the State of Utah. One universal criticism that was leveled at Davis County, as well as every other county, was the lack of data gathering. That is being addressed. At the recommendation by the Supreme Court Task Force, Senator Todd Weiler is sponsoring legislation to create a state-wide entity to gather data, provide oversight and support for local defender programs. Other states that have failed to take that kind of action have been sued by the ACLU. Idaho, who created the legislation to create an entity but didn't fund it, ended up in a lawsuit for their failure to take corrective actions that were recommended. On the whole, he

thought Davis County fared better than any other county in the report itself. Davis County was singled out for being the closest of any county for meeting its obligations of oversight and support. To the county's credit, there is a very stable group of attorneys. The last attorney who voluntarily gave up a contract did so because she was named a juvenile court judge in the second district. Three of the attorneys have over 30 years of experience; over half of them have over 20 years of experience, of which several are close to that thirty-year mark. The least experienced attorney has 13 years of experience. All the others have at least 15 years of experience. Their experience is not just general practice. The vast majority of their careers have been devoted to the areas that they practice on behalf of Davis County. They come from a wide background, from career defense attorneys, former prosecutors, former traffic commissioners, former assistant attorneys general and even one former assistant United States attorney. Many of them serve on task forces or boards that are involved in their areas of practice. That is of value to the county because it provides an opportunity for us to get advance warning on some things, or at least provide input. Todd was pleased to say he recently finished his service on 2 task forces. One that lasted for 4 years, and the other a 1 year project. He is struggling whether he will take the next call from the Supreme Court. It seems that they look to our county for guidance. He is proud of that fact. Given the volume of cases we handle each month, we have remarkably few complaints and to the contrary, quite a few accolades, most notably by the judges who see him sit in the back because they are afraid he'll tell them he's going to make a change. Universally, all our judges ask not to change anything in our defender program as it is working well. They also report that is not what they hear from any other counties. With the support of the Davis County Commission and other county officials, we have been able to maintain a consistent group of high quality attorneys rather than using inexperienced attorneys using Davis County as a training ground and then leave once they have gained experience. There is always room for improvement and he'll be looking for places to improve where they can.

Todd said that none of this would be possible without the support of many county officials, including Mel Miles and the Department of Personnel (Jana & staff), the Clerk/Auditor's Office, I.T. (Mark Langston and his staff), Troy Rawlings and the rest of the county attorneys including the civil side, and on a day-to-day basis, they work well with the prosecutors. He feels they also have a good relationship with the Davis County Sheriff's Office. The legal defenders could not do their jobs without the cooperation of the Sheriff and their jail staff, Captain Jaquez and Miss Loretta, who do their best to accommodate their needs to communicate with their clients on a regular basis. He regrets to say there are some counties where defense attorneys routinely complain that they meet with obstruction. Second and finally, Susanna has been his right arm, literally, for the past year (holding up and showing the brace on his arm). He would be in dire straits without Susanna. And finally, the Commission. Since he has been at Davis County, the Commission has consistently provided the support needed in a very forward looking manner and has funded the programs appropriately and made improvements within reason. He thinks on an incremental basis there have been dramatic improvements over the last 6-7 years that as a result they often get phone calls from other counties asking how it is being done in Davis County. He takes that as "hats off" to the Commission and staff. He humbly asked to continue on the road that is being traveled.

Commissioner Millburn noted, as Todd has pointed out, this area of legal defenders has become a hot topic issue. Not only here in Utah but across the nation. Davis County will continue to look at how this program is operated including this coming legislative session where there will be some tweaks to better the services that are being provided. Even though we are not perfect, Davis County is looked at as a model here in the state. There is room to improve, but he believes we are on the right track. He thanked Todd for his leadership in that regard.

defender agreements #2016-10 through #2016-22	<p>Commissioner Millburn made a motion to approve the agreements listing them by name (listed below). Commissioner Smith seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.</p> <p>Agreement #2016-10 with William Albright for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$120,041.35 annually.</p> <p>Agreement #2016-11 with Clyde M. Arrington, aka C. Markley Arrington for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$97,850.03 annually.</p> <p>Agreement #2016-12 with Gary Barr for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$91,661.76 annually.</p> <p>Agreement #2016-13 with Ryan Bushell for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$89,848.96 annually.</p> <p>Agreement #2016-14 with Michael Edwards for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$88,685.06 annually.</p> <p>Agreement #2016-15 with Ron Fujino for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$89,264.95 annually.</p> <p>Agreement #2016-16 with Rich Gallegos for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$96,793.22 annually.</p> <p>Agreement #2016-17 with Julie George for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$113,610.03 annually.</p> <p>Agreement #2016-18 with Erin Hill for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$76,927.61 annually.</p> <p>Agreement #2016-19 with Matt Nebeker for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$75,679.26 annually.</p> <p>Agreement #2016-20 with Don Redd for indigent legal defender services. Period of contract is January 1, 2016 through June 30, 2016 (retiring). Payable amount is \$60,020.68.</p> <p>Agreement #2016-21 with Todd Session for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$80,862.21 annually.</p> <p>Agreement #2016-22 with Scott L. Wiggins for indigent legal defender services. Period of contract is January 1, 2016 through December 31, 2018. Payable amount is \$57,411.17 annually.</p>
BOE	<p>Commissioner Millburn made a motion to convene as the Board of Equalization. Commissioner Smith seconded the motion. All voted aye.</p>
Property Tax Register approved	<p>Curtis Koch, Davis County Clerk/Auditor, presented the Property Tax Register which reflected 3 abatements for consideration.</p> <p>Commissioner Millburn made a motion to approve. Commissioner Smith seconded the motion. All voted aye.</p>
Stipulation of Settlement #2016-23 with Comcast for Tax Year 2013	<p>Stipulation of Settlement #2016-23 with Comcast for Tax Year 2013. Commissioner Smith noted that Tax Year 2012 was addressed last week.</p> <p>Commissioner Smith made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.</p>
Reconvene	<p>Commissioner Millburn made a motion to reconvene Commission Meeting. Commissioner Smith seconded the motion. All voted aye.</p>
Minutes	<p>Commissioner Millburn made a motion to approve the Commission Meeting minutes of</p>

approved

December 15 and 22, 2015. Commissioner Smith seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

Check registers approved

Check registers as prepared by the Davis County Clerk/Auditor’s Office were approved with a motion by Commissioner Millburn. Commissioner Smith seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

Commissioner comments

Commissioner comments:
Commissioner Millburn said there was a big birthday yesterday, the birthday of the State of Utah. January 4, 1896 was when Utah recognized statehood. He said he was looking forward to 2016. Looking at the stack of paperwork for signatures Commissioner Petroff had in front of him, he is glad that he is in this seat and can give his writing hand a rest this year.
Commissioner Smith said there was a lot talked about today with indigent legal defense services. He wanted to officially note his appreciation for Commissioner Millburn who has done a lot of heavy lifting on a lot of projects lately. He has been a great help to him, as the formerly “new guy”. He appreciated the work that when into that. Thank you.

No public comment.

Meeting adjourned.

Clerk/Auditor

Chair